

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 81

As Recommended by Senate Committee on
Judiciary

Brief*

SB 81 would amend the offense of fleeing or attempting to elude a police officer to add “operating a stolen motor vehicle” to the list of conduct making the offense a severity level 9 person felony. The bill also would amend the offense to specify that the penalty for any fleeing or attempting to elude offense, other than willfully failing or refusing to bring a vehicle to a stop without engaging in any of the specified conduct, shall be served consecutively to any other confinement imposed for any other violation committed during the act of committing this offense.

The bill would amend the crime of theft to specify that theft of property that is a motor vehicle, as defined in the act governing motor vehicle registration, valued less than \$1,500 is a severity level 10 nonperson felony (under current law, such crime would be a class A nonperson misdemeanor). Additionally, the bill would provide that, in a prosecution for theft of a motor vehicle, fleeing or attempting to elude a police officer would be *prima facie* evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use, or benefit thereof.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Sheriffs Association. At the Senate Committee hearing, a representative of those law enforcement organizations testified in support of the bill. A representative of the Kansas Highway Patrol submitted written-only proponent testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Sentencing Commission indicates enactment of the bill would not have an immediate effect on prison admissions and bed space, but could have an effect if probations are revoked and offenders are sentenced to prison. The bill also would have a fiscal effect on the workload of the Commission, but it cannot determine what the effect would be.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed with the courts, requiring more time by judicial and nonjudicial personnel, as well as increasing the amount of supervision required of offenders on probation. Additional cases would increase revenues from docket fees, supervision fees, and fines. However, the Office is unable to estimate the fiscal effect because the number of violations or cases that would occur is unknown.

The Kansas Highway Patrol indicates enactment of the bill would have no fiscal effect on the agency. The League of Kansas Municipalities and Kansas Association of Counties indicate enactment of the bill would have no fiscal effect on local law enforcement agencies.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.